

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3244 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MAHESHKUMAR SHIVKUMAR PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR PM THAKKAR for Petitioner

M/S MG DOSHIT & CO for Respondent No. 1

MR BB NAIK for Respondent No. 3

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CORAM : MR.JUSTICE C.K.THAKKER

Date of decision: 25/11/96

ORAL JUDGEMENT

1. This petition is filed by the petitioner against an apprehended action of termination. It is the case of the petitioner that he was regularly appointed and his services were not terminated, but he apprehends that his services will be terminated. Hence, he approached this court by filing this petition.

2. When the matter came up for hearing, notice was issued by this court on 6th June 1985 by making it returnable on 17th June 1985 and ad.interim relief in terms of para 17(C) was granted. Para 17(C) reads as under:

"(C) Your Lordships be pleased to restrain the respondents, their agents and servants, from terminating the petitioner's services and be pleased to direct the respondents to permit the petitioner to discharge his duties and draw his salary as Junior Clerk, pending admission, hearing and final disposal of this petition; "

Thereafter, the matter was admitted on 10th January 1986. Rule was issued and interim relief was ordered to continue. It appears that affidavit-in-reply was filed by one Maheshbhai Mehta, Honorary Secretary, Regional Probation After-care Association, Jambusar, respondent no.3 herein, wherein a statement is made that respondent no.3-association has not yet decided to terminate the services of the petitioner.

In view of the above statement, in my opinion, the petition requires to be disposed of and is accordingly disposed of. Since no action was taken terminating the services of the petitioner, the petition has become infructuous and only on that ground the petition is disposed of without entering into the merits of the case. Rule is discharged. Interim relief vacated. It is clarified that if any order adverse to the petitioner is passed, the same may not be implemented for a period of two weeks from the date of communication of the order. No order as to costs.

Dt. 25.11.1996.

(C.K.THAKKER J)